

**INTERNATIONAL TRADE ADMINISTRATION
DEPARTMENT OF COMMERCE
GUIDELINES FOR PETITIONS REQUESTING RELIEF
UNDER U.S. ANTIDUMPING LAW**

These guidelines have been prepared to describe the procedures for filing a petition for import relief under Title VII, Subtitle B, of the Tariff Act of 1930 (19 USC § 1673) ("the Act"). Any petition should contain the information set out below, to the extent it is reasonably available.¹ Upon receipt of a petition, following the applicable Department of Commerce (DOC) and International Trade Commission (ITC) regulations, the DOC (which is the "Administering Authority" for antidumping investigations) will be able to consider the initiation of an antidumping proceeding. Such a proceeding is administrative in nature and may result in the imposition of special dumping duties on specific imports. If any questions arise in preparing a petition, please contact the Import Administration Petition Counseling and Analysis Unit at: (202) 482-1255.

Imports of foreign merchandise are liable for special dumping duties only after:

(1) a determination is made by the Assistant Secretary of Commerce for Import Administration that there are, or are likely to be, U.S. sales of the merchandise subject to the investigation at below fair value, and

(2) a determination is made by the ITC that an industry in the United States is materially injured or threatened with material injury, or that the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise.

Before filing a petition, applicants should consult the Act, pertinent DOC regulations (19 CFR Part 351), and pertinent ITC regulations (19 CFR Parts 201 and 207). These laws and regulations are available on the Internet at <http://ia.ita.doc.gov/> for the Department of Commerce and <http://www.usitc.gov/> for the ITC. The ITC also publishes the Antidumping and Countervailing Duty Handbook (USITC Publication 3121) which explains the petition and investigation process in detail. The Handbook is available at <ftp://ftp.usitc.gov/pub/reports/studies/PUB3482.PDF>.

Information required for a petition should be typed and documentation and supporting information should be included. Furthermore, those completing and submitting an antidumping petition should clearly indicate if information required by the statute and regulations listed above and detailed in these guidelines is unavailable and state the reasons for such unavailability.

Information for which business proprietary (confidential) treatment is requested must be identified by placing brackets around the proprietary information and clearly stating at the top of

¹ To satisfy the "reasonably available" standard, petitioner should consult all available sources, including libraries, press reports, embassies, and the U.S. Department of Commerce's Central Records Unit (which is located in room 1217 of the Department of Commerce Building at 14th and Constitution Ave, NW, Washington, DC 20230). In order to demonstrate that all available sources were sought, petitioner should describe in detail its methodology in seeking the required information.

each page containing such information "Business Proprietary Treatment Requested." A summary or approximated presentation of the proprietary information should also be submitted, together with a statement of the basis for the proprietary treatment and, if necessary, an explanation of why a summary or approximation cannot be prepared. A summary of figures regarded as proprietary should be provided, expressed in a range of not more than 10 percent above or below the actual figures.

Any information submitted in the petition, or in support thereof, which is in a foreign language, must be accompanied by an English translation unless DOC waives this requirement, following a request by the petitioner.

DOC regulations state that if the imports are from a country that has a "state-controlled-economy," the information detailed in supplement A of these guidelines should be furnished instead of the information described in part C.

A completed petition and cover letter should be furnished along with **ten** copies of the business proprietary version and **five** public versions, and should be addressed to:

Secretary of Commerce
Attention: Import Administration
APO/Dockets Unit
Room 1870
U.S. Department of Commerce
14th Street & Constitution Avenue, NW
Washington, DC 20230

Simultaneously², 14 copies of the petition and a cover letter that includes, if necessary, a request for proprietary treatment and a certification under oath that substantially identical information is not available to the public, should be sent to:³

Secretary
U.S. International Trade Commission
500 E Street, SW
Washington, DC 20436

Finally, we note that prior to the official filing of your petition, any communications with you on this matter will be treated as confidential information, and as such, we will not disclose any of this information to outside parties. In this regard, we refer you to section 732(b)(3)(C) of the Act, which provides:

² Please note: According to the ITC Regulations (see 19 CFR § 207.10) if a petition is filed with the ITC after 12:00 noon, the petition shall be deemed filed on the next business day.

³ In addition, if the petitioner has requested that portions of the document be treated as proprietary information, 4 copies of a public version of the document must be submitted to the ITC. These copies should be marked "Public Inspection."

NONDISCLOSURE OF CERTAIN INFORMATION.–The administering authority {Commerce} and the Commission shall not disclose information with regard to any draft petition submitted for review and comment before it is filed

19 U.S.C. § 1673a(b)(3)(C).

ANTIDUMPING PETITION GUIDELINES

IMPORTED PRODUCT(S) SUBJECT TO THE PETITION:

COUNTRY(IES) FROM WHICH IMPORTED:

SECTION A: GENERAL INFORMATION

- (A-1)** Provide the name, address, and telephone number of the appropriate contact person for the petitioner and any person, firm, or association represented by the petitioner (see 19 CFR §§ 351.202(b)(1) and 207.11(b)(2)).

- (A-2)** Have you filed within the past 12 months or are you now filing or planning to file for other forms of import relief involving the merchandise in question? If so, explain the type(s) of import relief sought and the status of such efforts (see 19 CFR § 351.202(b)(4)).

- (A-3)** Identify the industry and its members on whose behalf the petition is being filed (see 19 CFR § 351.202(b)(2)).

- (A-4)** Identify all of the producers or worker groups in the industry, and state whether each party supports, opposes, or is neutral regarding the petition. If a position is unknown, please indicate such. In addition, provide the production volume or value of each producer or worker group supporting the petition during the most recently completed calendar year, and the percentage of total domestic production each represents. See section 732(c)(4)(A) of the Act and 19 CFR § 351.202(b)(3). This information should be presented in chart form. See the example below.

Name of producer or group	Address, telephone number, and name of contact person	Support (S) Oppose (O) Neutral (N)	Production Volume or Value	Percent of Total U.S. Production

- (A-5)** Explain how the percentage of domestic production was calculated in **(A-4)** above.

- (A-6)** Explain whether any of the producers identified in **(A-4)** are related (see section 771(4)(B)(ii) of the Act) to foreign producers, or are importers of the subject merchandise (see sections 732(c)(4)(B)(i) and (ii) of the Act).

SECTION B: DESCRIPTION OF IMPORTED GOODS, EXPORTERS, AND IMPORTERS

- (B-1)** Provide a detailed description of the imported merchandise, including technical characteristics and uses. Explain any differences between the imported merchandise and that produced by U.S. firms. Please supply available catalogues, sales literature, or other illustrations (see 19 CFR § 351.202(b)(5)).
- (B-2)** Provide the tariff classification(s) (*i.e.*, Harmonized Tariff Schedule (HTS) item numbers) of the imported merchandise (see 19 CFR § 351.202(b)(5)). If this information is not readily available to you, please call the Department of Commerce at the number given on page 1 for assistance.
- (B-3)** Provide the name of the country or countries from which the merchandise is being, or is likely to be, imported. If the merchandise is produced in a country other than that from

which it is exported, also indicate the name of the country in which it is produced (see 19 CFR § 351.202(b)(6)).

- (B-4)** Provide the names, addresses, and telephone numbers of the foreign producer(s) and/or exporter(s) of the merchandise believed to be sold at less than fair value. Also provide the volume and value of each firm's exports of the merchandise to the United States during the most recent 12-month period (see 19 CFR § 351.202(b)(7)). This information should be presented in chart form. See example below.

Name, address, and telephone number of foreign producer/exporter	Volume of exports to the United States (specify unit)	Value of exports to the United States (in U.S. dollars)	Percent of cited country's total export volume to the United States

- (B-5)** Provide the names, addresses, and telephone numbers of persons/firms believed to be importing the merchandise into the United States (see 19 CFR §§ 351.202(b)(9) and 207.11(b)(2)). This information should be presented in chart form. See example below.

Name, address, and telephone number of U.S. importer	Volume of imports (specify unit)	Value of imports (in U.S. dollars)	Percent of total U.S. import volume from cited country

SECTION C: PRICE INFORMATION

- (C-1)** Provide the home market price (expressed in dollars) in the country of exportation of such or similar merchandise or, if such information is not available, the price from the country of exportation to a third country or countries. Indicate the sales on which such prices were quoted or charged and the basis upon which foreign currency quotations were converted to U.S. dollars. If available, provide information on the quantity sold in these transactions. Describe the product for which price information is provided in detail,

including any pertinent specifications. Provide this information for each country cited in the petition, specifying separately the product for which information is provided for each country (see 19 CFR § 351.202(b)(7)). **If the merchandise is from a "nonmarket-economy country," see supplement A to this document.** This information may be provided in chart form. See example below. Also, please include any supporting documentation such as affidavits, invoices, e-mailed price quotes, or market research reports.

Product	Vendor ¹	Unadjusted price	Adjustments ²		Adjusted price	Date of exchange rate
			Type	Amount		

¹ If not provided in response to part **(B-4)**, provide addresses and telephone numbers.

² The bases for adjustments are described in part **(C-4)** below. Please provide the bases for any adjustments made to prices.

(C-2) If you are unable to obtain the price information described in part **(C-1)**, then the constructed value of such or similar merchandise is to be provided (see 19 CFR § 351.202(b)(7)). If foreign source information is not available, provide information concerning U.S. costs, together with such adjustments as may be appropriate, to reflect the probable costs of the foreign producer. Indicate sources and dates of information for:

(C-2a) Materials:

Major items:

Components:

(C-2b) Labor (separate major categories, e.g., factory, supervisory, etc.):

(C-2c) Other costs of fabrication:

(C-2d) General expenses:

(C-2e) Profit:

(C-3) Provide export prices(s) to the United States or, if the importer is related to the foreign producer, prices(s) to the first non-related purchaser(s) in the United States of such merchandise (*i.e.*, the same product for which prices were provided in part **(C-1)**). Indicate the dates such prices were quoted or charged and, if applicable, the exchange rate used (see 19 CFR § 351.202(b)(7)). This information may be presented in chart

form. See example below. Also, please include any supporting documentation such as affidavits, invoices, e-mailed price quotes, or market research reports.

Product	Vendor ¹	Unadjusted price	Adjustments ²		Adjusted price	Date of exchange rate
			Type	Amount		

¹ If not provided in response to part **(B-4)**, provide addresses and telephone numbers.

² The bases for adjustments are described in part **(C-4)** below. Please provide the bases for any adjustments made to prices.

(C-4) Provide information relating to differences between home market price(s) (part **(C-1)**) or constructed value (part **(C-2)**) and the export price(s) or non-related purchaser price(s) (part **(C-3)**) which may be accounted for by taxes, discounts, merchandise differences, different quantities of sales, different levels of commercial trade, incidental costs such as those for packing or freight, duty, or other items (sources for this information should be supplied).

(C-5) Home market sales below cost:

(C-5a) Provide evidence, if any, that sales in the home market are being made at a price which does not reflect the cost of production and the circumstances under which such sales are made.

(C-5b) Indicate how the "cost of production" was calculated for this purpose, including, if the producer manufactures products other than those that are the subject of this petition, appropriate allocations of fixed costs such as depreciation and interest and methods of allocating to the merchandise in question variable costs incurred by the enterprise as a whole, such as energy.

SECTION D: CRITICAL CIRCUMSTANCES INFORMATION

Prior to the issuance of the DOC preliminary determination, exporters may attempt to ship to the United States large quantities of the products being investigated in order to escape the pending dumping duty. The Act provides a petitioner with the opportunity to seek relief from such imports. We refer to such a situation as "critical circumstances." An allegation of critical circumstances can be made at any time during an investigation up to 20 days before the DOC's final determination. The following information need only be supplied when critical circumstances are alleged (see 19 CFR § 351.202(b)(11)).

- (D-1)** Describe in detail the material injury to your industry due to the increased level of imports (e.g., lost sales, decreased capacity utilization, or company closures). Provide supporting documentation.
- (D-2)** Provide information which you feel indicates that there have been massive imports of the merchandise over a relatively short period of time (i.e., an analysis comparing import values and volumes for the 3 months before and the 3 months after the filing of the petition).
- (D-3)** Provide information that you feel indicates that there is a history of dumping OR that the importer knew or should have known that the exporter was selling at less than fair value.

SECTION E: INJURY INFORMATION

Section 207.10 of the ITC's *Rules of Practice and Procedure* sets forth its requirements concerning the filing of antidumping petitions and section 207.11 sets forth its requirements concerning the content of such petitions (19 CFR §§ 207.10 and 207.11). As stated in section 207.11(b)(1) of the *Rules*,

The petition shall allege the elements necessary for the imposition of a[n antidumping] duty under section . . . 731(a) of the Act and contain information reasonably available to the petitioner supporting the allegations.

The factors the ITC is to consider in making its determination are set forth in section 771(7) of the Act (19 USC § 1677(7)) and antidumping petitions should address these factors in making the "injury" allegations. The data specified in sections E-1 through E-4 may be useful in this regard.

Section 207.11(b)(2) of the *Rules* further provides that--

The petition shall also include the following specific information, to the extent reasonably available to the petitioner: (i) identification of the domestic like product(s) proposed by petitioner; (ii) a listing of all U.S. producers of the proposed domestic like product(s), including a street address, phone number, and contact person(s) for each producer; (iii) a listing of all U.S. importers of the subject merchandise, including street addresses and phone numbers for each importer; (iv) identification of each product on which the petitioner requests the Commission to seek pricing information in its questionnaires; and (v) a listing of all sales or revenues lost by each petitioning firm by reason of the subject merchandise during the three years preceding filing of the petition.

Items (ii) and (iii) are covered in parts A and B of this guide. Information on the other items should be presented in connection with the injury allegation.

- (E-1)** Report the quantity and value of imports of the allegedly dumped merchandise from the country(ies) supplying such imports, and imports of like or similar merchandise from all countries in the 3 most recent calendar years and in the most recent partial-year periods

for which data are available (see 19 USC §§ 1677(7)(B)(i) and 1677(7)(C)(i)). This information should be presented in chart form. See example below.

Source of Imports	Year 1 (earliest)	Year 2	Year 3	January - _____ ¹	
				Year 3	Year 4 (latest)
	Quantity (specify units)				
Total, all countries					
Cited country ²					
Cited country ³					
Cited country ⁴					
Cited country ⁵					
	Value (1,000 dollars)				
Total, all countries					
Cited country ²					
Cited country ³					
Cited country ⁴					
Cited country ⁵					

¹ Specify month.

² Specify country

³ Specify country

⁴ Specify country

⁵ Specify country

(E-2a) Report the petitioner's capacity, production, domestic sales, export sales, and end-of-period inventories of U.S.-produced merchandise like or most similar to the allegedly dumped imports in the 3 most recent calendar years and in the most recent partial-year periods for which data are available (see 19 USC § 1677(7)(C)(iii)). This information should be presented in chart form. See example below.

Item	Year 1 (earliest)	Year 2	Year 3	January - _____ ¹	
				Year 3	Year 4 (latest)
	Quantity (specify units)				
Capacity ²					
Production					
Domestic sales					
Export sales					
Ending inventories					
	Value (1,000 dollars) ³				
Domestic sales					
Export sales					

¹ Specify month.

² Define basis (*i.e.*, number of shifts per day, days per year, etc.)

³ F.o.b. plant, net of all discounts and allowances.

(E-2b) For all U.S. producers (including the petitioner), report or estimate aggregate capacity, production, domestic sales, export sales, and end-of-period inventories of U.S.-produced merchandise like or most similar to the allegedly dumped imports in the 3 most recent calendar years and in the most recent partial-year periods for which data are available (see 19 USC § 1677(7)(C)(iii)). This information should be provided in chart form. See example below.

Item	Year 1 (earliest)	Year 2	Year 3	January - _____ ¹	
				Year 3	Year 4 (latest)
	Quantity (specify units)				
Capacity ²					
Production					
Domestic sales					
Export sales					
Ending inventories					
	Value (1,000 dollars) ³				
Domestic sales					
Export sales					

¹ Specify month in the blank provided.

² Define basis (*i.e.*, number of shifts per day, days per year, etc.)

³ F.o.b. plant, net of all discounts and allowances.

(E-3) For the petitioner and, in aggregate, for all U.S. producers (including the petitioner), estimate the number of production and related workers employed in the production of merchandise like or most similar to the allegedly dumped imports, and the hours worked by those employees, in the 3 most recent calendar years and in the most recent partial-year periods for which data are available (see 19 USC § 1677(7)(C)(iii)). This information should be provided in chart form. See example below.

Item	Year 1 (earliest)	Year 2	Year 3	January - _____ ¹	
				Year 3	Year 4 (latest)
	Petitioner				
Number of production and related workers					
Hours worked (1,000 hours)					
	All U.S. producers				
Number of production and related workers					
Hours worked (1,000 hours)					

¹ Specify month.

(E-4) For the petitioner and, in aggregate, for all U.S. producers (including the petitioner), report (or estimate) the specified income-and-loss data on U.S. operations producing merchandise like or most similar to the allegedly dumped imports in the 3 most recent calendar years (or accounting years if easier¹) and in the most recent partial-year periods for which data are available (see 19 USC § 1677(7)(C)(iii)). If you cannot provide the specified income-and-loss data for U.S. operations producing the merchandise like the imported products, report data on the next larger category of operations which includes that merchandise, estimate the share of the total accounted for by the subject product, and identify the other products that are included. This information should be provided in chart form. See example below.

(In thousands of dollars)

Item	Year 1 (earliest)	Year 2	Year 3	January - _____ ²	
				Year 3	Year 4 (latest)
	Petitioner				
Net sales					
Cost of goods sold					
Gross profit/(loss)					
SG&A expenses					
Operating income/(loss)					
	All U.S. producers				
Net sales					
Cost of goods sold					
Gross profit/(loss)					
SG&A expenses					
Operating income/(loss)					

¹ If you report petitioner data on an accounting-year basis, please specify the date that year ends.

² Specify month.

(E-5) List the names, addresses and telephone numbers of firms to which you have lost sales as a result of their purchasing the allegedly dumped imports.

(E-6) Provide information on any other factors relevant to possible injury or threat of injury to the U.S. industry producing merchandise like or most similar to the allegedly dumped imports (see 19 USC §§ 1677(7)(C)(iii) and 1677(7)(F)).

SUPPLEMENT A**Nonmarket-Economy Countries**

These guidelines should be followed in lieu of parts **(C-1)** and **(C-2)** when the country of exportation or manufacture is considered a nonmarket-economy country within the meaning of the antidumping law.

CONSTRUCTED VALUE INFORMATION

The "constructed value" of such or similar merchandise should be determined by utilizing the first provision listed below which provides an adequate basis for determining constructed value:

- (i) the constructed value of such or similar merchandise in a market-economy country of comparable economic development;
- (ii) if the above section does not provide an adequate basis, the constructed value of such or similar merchandise in another market-economy country, excluding the United States; or
- (iii) if neither of the preceding sections provides an adequate basis, the constructed value of such or similar merchandise in the United States.

(AA-1) Identify the market-economy country selected for determination of constructed value.

(AA-2) Provide a complete statement of the criteria and bases for selecting the above-named market-economy country.

(AA-3) Indicate sources, dates of information, and approximate costs as reflected in the market-economy country selected for the items below. If foreign source and cost information are not available, provide information concerning domestic costs and sources, together with such adjustments as may be appropriate, to reflect the probable costs of the foreign producer in the market-economy country selected.

(AA-3a) Materials

Major items:

Source:

Components:

(AA-3b) Labor (separate major categories, e.g., factory, supervisory, etc.)

(AA-3c) Other costs of fabrication

(AA-3d) General expenses

(AA-3e) Profit